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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,603	11/16/2001	Howard A. Hardee	29002-11270	4747
33042	7590	11/25/2003	EXAMINER	
LEYDIG, VOIT & MAYER, LTD. (SEATTLE OFFICE) TWO PRUDENTIAL PLAZA SUITE 4900 CHICAGO, IL 60601-6780			WILKENS, JANET MARIE	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/998,603

Applicant(s)

HARDEE ET AL.

Examiner

Janet M. Wilkens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27, 32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☒ Claim(s) 22-27, 32 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**After reviewing the prior art in the case, it was determined that the Barker reference should have been applied to several of the claims. The new rejections are as follows and any inconvenience is regretted.**

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***Claim Rejections - 35 USC § 102***

Claims 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Barker. Barker inherently teaches the method of attaching adjacent parts of a first sheet of fabric material (sections 14 are the same material; therefore, each of the sections is being considered as part of a first sheet) via stitching so as to form a three-dimensional corner (see Fig. 2) and then turning the three-dimension corner inside out to form an inverted, three-dimensional corner of a tent (see Fig. 1; Note: in sewing, in order not to see the seam, material is routinely turned inside out during assembly. This would have been the case for the tent material of Barker.).

***Claim Rejections - 35 USC § 103***

Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Dehner. As stated above, Barker teaches the limitations of claim 22, including a first sheet forming an inverted three-dimensional corner. For claims 24 and 26-28, Barker fails to teach a second sheet of material, i.e. waterproof sealing tape, attached to the interior portion of the corner. Dehner teaches the use of waterproof sealing tape (66) for covering a seam (see Fig. 2) to prevent unwanted water penetration there through and to provide added strength there at. It would have been

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obvious to one of ordinary skill in the art at the time of the invention to add waterproof sealing tape to the seams of Barker, such as is taught by Dehner, to prevent water from entering the tent at those points and to strengthen to the fabric at the seams.

For claim 25, Barker in view of Dehner fails to teach that the sheets are made of polyethylene. (The first sheet is canvas and the second sheet is polyurethane.) The examiner takes Official notice that polyethylene sheets are well known in the fabric art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an alternate type of material for the sheets, i.e. using polyethylene sheets instead of the canvas and polyurethane sheets, depending on the desired need of the person constructing the tent, e.g. depending on the material readily available, properties of the fabric desired, etc.

Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Dehner. Barker teaches attaching adjacent parts of a first sheet of fabric material via stitching so as to form a three-dimensional corner (see Fig. 2) and then turning the three-dimension corner inside out to form an inverted, three-dimensional corner (see Fig. 1). First for claim 32, Barker fails to teach that the sheet (and its pieces 14) is made of polyethylene. The examiner takes Official notice that polyethylene sheets are well known in the fabric art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an alternate type of material for the sheet, i.e. using a polyethylene sheet instead of a canvas sheet, depending on the desired need of the person constructing the tent, e.g. depending on the material readily available, properties of the fabric desired, etc. Second for claim 32,

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Barker fails to teach a second sheet of material, i.e. waterproof sealing tape, attached to the interior portion of the corner. Dehner teaches the use of waterproof sealing tape (66) for covering a seam (see Fig. 2) to prevent unwanted water penetration there through and to provide added strength there at. It would have been obvious to one of ordinary skill in the art at the time of the invention to add waterproof sealing tape to the seams of Barker, to prevent water from entering the tent at those points and to strengthen to the fabric at the seams.

#### ***Allowable Subject Matter***

Claims 1-21 are allowed. (The allowable subject matter being the method of constructing a corner in fabric claimed, i.e. a first sheet of fabric is attached to a second sheet of fabric so as to form a three-dimensional corner in which the second sheet extends over an interior portion of the corner and then the corner is turned inside out to form an inverted three-dimensional corner in which the second sheet extends over an exterior portion of the corner.)

#### ***Response to Arguments***

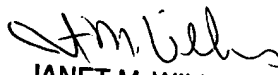
There are no arguments to response to at this time.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Wilkens  
November 21, 2003

  
JANET M. WILKENS  
PRIMARY EXAMINER  
A-4043637